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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,962	09/27/2001	Craig Paulsen	IGT1P267/P-577	2536
22434	7590	05/02/2006	EXAMINER	
BEYER WEAVER & THOMAS LLP P.O. BOX 70250 OAKLAND, CA 94612-0250			PANOS, JEFFREY C	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/964,962

Applicant(s)

PAULSEN ET AL.

Examiner

Jeffrey C. Panos

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-86 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-86 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on March 2, 2006 has been entered.

Drawings

The drawings were received on March 2, 2006. These drawings are acceptable and have been entered.

Claim Objections

Claim 27 is objected to because of the following informalities:

The limitation, "a motor capable of rotating said reel and operative coupled to a controller" appears to contain a grammatical error. The Examiner interprets this as "operatively coupled" or asks the Applicant reword the above in order to follow proper grammar. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 32, 37, 44, and 77 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. These claims disclose a remote device that is not enabled or generally described anywhere in the Applicant's specification as a feature or peripheral device, therefore this is new matter.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 52, 53, and 82 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims disclose a display driver that rotates with the reels as they rotate. What type of display driver is this and why would it need to be rotating with the reels? The purpose of the display driver (as disclosed) is to control the pixels of the flexible display and receiver instructions relating to the display

of the indicia. It is extremely unclear what the Applicant is claiming in claims 52 to 53.
Please provide sufficient explanation.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27-31, 33-36, 38-43, 45-76, and 78-86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griswold et al. (US Patent No. 6,027,115) in view of Acres et al. (US Patent No. 6,008,784) in view of Universal Display: FOLED Technology in further view of Business Week 2000: The Tube.

Griswold et al. disclose a gaming apparatus in the form of a slot machine comprising a housing (FIG 1, reference 12), a value input device (FIG 1, reference 22 and 24), an input device to allow the player to make a wager (FIG 1, reference 20), a slot machine reel rotatable about an axis having an outer circumferential region (Column 4, lines 53-57) [claims 27, 33, 72]. A motor is used to drive the reels (Column 6, lines 15-16) [claims 27, 33, 47, 49, 72, 79], where there are three reels on the machine, which it is well known in the art to contain several reels on the slot machine for a base game such as the game taught by Griswold et al. (FIG 1) [claims 63-65, 86].

The gaming apparatus also includes a flexible display in the form of a reel strip (Column 3, lines 39-42; FIG 2) that allows the reel strip to be bent from a substantially

straight configuration to a curved configuration (FIG 4A and FIG 2) [claims 27, 33, 72, 73]. A skilled artisan understands this strip has elastic properties as it is changed from a straight to a curved configuration when placed about the reel. The Examiner also maintains that a skilled artisan also understands that if so desired, the strip could be taken of the reel and would no longer be in the same position as it is when it is attached to the reel, thus it returns more towards its original position.

This curved configuration is capable of contacting the outer circumferential region of the reel at two points (FIG 3A) [claims 27, 33, 72]. While the exact angular displacement is not disclosed, it would have been obvious to one of ordinary skill in the art that for the strip to function in a gaming reel of a round configuration as disclosed, the displacement would be about or at least ninety degrees between the points to provide adequate contact and thus support for the reel. However, such a displacement would be a choice of the designer in order to properly adhere the reel strip to the reel and would have been obvious to adapt. Likewise, one of ordinary skill in the art would understand that for the reel to serve the purpose as disclosed, it should contact the wheel at a displacement, such as ninety degrees, to properly support both sides of the strip with the least amount of contacts. One of ordinary skill in the art would be motivated to use this displacement in order to provide the most contact support with the least amount of contact points, which would be understood of a ninety degree displacement to an ordinary artisan.

The display is adapted to display indicia to the player (FIG 4A), where the display of the indicia is controlled by the processor (Column 9, Lines 38-42) [claims 27, 28, 30,

33, 45, 46, 72, 78]. The controller of the processor directs gaming instructions in order to simulate game play and is inherent to change the indicia during the play cycle after a wager has been placed and the slot has been activated [claims 69-71].

The indicia being selected based on the amount of value received at the gaming apparatus is common and well known to one skilled in the art [claims 54-56, 61, 85]. The game programming is designed to keep the players that are spending more money at the machine whether in overall time or in each single wager (wagering high). If a player wagers high and tends to notice a winning slot occurring, they would be more inclined to stay, hence the incentive for tailoring the programming is more business.

Each game indicium has some type of theme involved with the game; whether the theme is the typical fruits on the reel, or a theme game based on a movie, book, board game, sport, location, etc. [claims 41-43, 57-60, 62, 76, 83, 84]. It would have been obvious to one of ordinary skill in the art to design a game in order to have a theme for the game play or a portion thereof in order to instigate a game attraction and stimulate game fun during game play.

The gaming apparatus also includes a slip ring drum rotatable about the axis of the reel where the slip ring drum includes a plurality of electrical conductors including electrically conductive brushes (Column 6, lines 13-23) [claims 66-68, 81]. The game apparatus also includes a processor that controls both the light source elements and the gaming outcome (Column 9, lines 24-26) [claims 27, 28, 30, 33, 72, 78]. It is notoriously well known in the art that in a gaming machine the processor has a memory, is in control of detecting deposits and wagers, determines the indicia to be displayed during

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game play, controls the motor to spin and stop the wheels, and to determine a value associated with an outcome and hence to pay a player [claims 27, 33, 48, 50, 72, 79, 80].

Acres et al. disclose a flexible display that is adapted for use in a casino environment wherein the display includes a plurality of LEDS arranged to form a face around that which is curved about a horizontal axis (Column 1, Lines 43-47) in the form of a mechanical odometer (Column 2, Lines 27-29) to display numerals in different colors (Column 2, Lines 40-44) [claims 27, 33, 72, 73]. A display drive circuit is coupled to the elements to display a visual image on the face (Column 1, Lines 46-48) [claims 27, 28, 30, 33, 51, 72]. This display driver circuit is the controller used to cause the indicia to be displayed. The lights are selectively illuminated to form a visual image to display a series of numerals (Column 2, lines 25-35) thus the display can dynamically change [claims 27, 33, 34, 38, 72]. Acres et al. disclose that the use of such a flexible, curved, and dynamic display is advantageous in that it can attract the attention of customers (Column 1, lines 28-30). The device of Acres et al. includes a number of LEDS in a flexible substrate to be used as light. It would be obvious to the system of Acres et al. that what is to be displayed is stored in memory [claims 27, 33, 38, 72]. One of ordinary skill in the art would understand this would be done to allow the display driver to access what needs to be displayed.

Universal Display Corporation: FOLED Technology discloses that it is advantageous to substitute the use of normal LEDS with the FOLED technology.

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Motivations for doing so include the flexibility of FOLED, the ultra-lightweight, thin-form, as well as the cost-effective processing [claims 27, 31, 33, 36, 73, 75].

The usage of one flexible display over another would have been an obvious design choice to one of ordinary skill in the art based upon the desired functionality for the machine as defined by the designer. One of ordinary skill in the art would thus find it obvious to substitute the FOLED technology over that disclosed in Griswold in view of Acres. Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the dynamic FOLED format into the flexible display as disclosed by Acres et al. One of ordinary skill in the art would be motivated to make this design choice and substitution in order to provide a more efficient, flexible, and cost effective means to display information. One would be motivated to incorporate FOLED as cost would be reduced as FOLED is less breakable, more impact resistance as well as more cost-effective to produce. Moreover, one would be motivated to incorporate the FOLED and Acres et al. into the apparatus of Griswold et al. Both are drawn to a flexible display based upon a curved face around a horizontal axis. One would be motivated to make this incorporation in order to attract a greater number of consumers to use the machine, as more attention would be drawn by the dynamically changing display as taught by Acres et al. and thus more revenue would be drawn for the casino.

Griswold et al., Acres et al., and Universal Display do not disclose the use of an LCD as the means for flexible display [claims 27, 29, 33, 35, 72, 74]. However, the Tube, as disclosed by Business Week is a flexible form LCD that can be bent and used in both a substantially straight and curved configuration and allows dynamically

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changing indicia to be displayed. It is also inherent that an LCD screen contains pixels; for example, computers contain pixels that are addressable and can be used for controllable display of images as Acres et al. teaches with the dynamic changing indicia, wherein there is an inherent display driver to evaluate the instructions from the processor in order to create the display.

The usage of one flexible display over another would have been an obvious design choice to one of ordinary skill in the art based upon the desired functionality for the machine as defined by the designer. One of ordinary skill in the art would thus find it obvious to substitute the flexible LED technology over that disclosed by FOLED. The use of a flexible LCD over a FOLED would be merely a design choice as both present advantages to their use. A motivation to one of ordinary skill in the art to use a flexible LCD over a FOLED is that LCD is known to consume very little power and thus would save the casino money in the electricity required to run the machine. Hence, the use of a flexible LCD over a FOLED would have been obvious to one of ordinary skill in the art.

Claims 32, 37, 44, and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griswold et al. (US Patent No. 6,027,115) in view of Acres et al. (US Patent No. 6,008,784) in view of Universal Display: FOLED Technology in view of Business Week 2000: The Tube in further view of Fiechter et al. (US Patent No. 6,743,102).

What Griswold et al., Acres et al., Universal Display, disclose, teach, and/or suggest has been discussed above and is incorporated herein.

Griswold et al. and Acres et al. do not discuss a remote device sending programming instructions or information for changing the game play indicia available on the gaming apparatus. Fiechter et al. teaches an interactive electronic game where a network is set up as in Figure 1. A central server unit comprises system control means and communication control means between the gaming machines and central server (Abstract). The central server is a remote device that displays games selected from the player on each player's respective gaming machines, where information is inherently sent in order to run the game on the gaming machine and display game play indicia [claims 32, 37, 44, 77]. It would have been obvious to one of ordinary skill in the art to set up multiple gaming machines in a network style environment in order to give players a choice to play games on the network or to play games individually, in turn allowing player satisfaction based on their choice. This will also allow for the gaming system to expand on the number of games that can be offered in that the server controls the games.

Response to Arguments

Applicant's arguments filed 3/2/2006 have been fully considered but they are not persuasive.

Applicant contends that Acres does not teach that the reels rotate. This aspect of the Applicant's invention was not used from Acres, rather it was used from Griswold. Griswold clearly shows in Figures 1 and 2A-D that the reels rotate.

Applicant contends that the combination of the references does not teach the Applicant's invention and further does not teach a controller programmed to select from a plurality of game play indicia to display on the display reel or any other limitations in the pending claims. The Examiner respectfully disagrees. The addressable pixels are met by pixels in the LCD screen as taught by Business Week. It can be seen that the LCD screen is used on laptops, cell phones, as a few examples. Such pixels are well known to be addressable in order for a computer to display the information prompted to display by the user. Also known in the art are video gaming machines where controllers are even more common than when video display screens were not present (but were still necessary). The controllers use random generation in the video displays of virtual slot reels to simulate a slot machine and have control of the indicia to be displayed. Such random generation is not possible without some sort of memory device containing the display indicia necessary for the gaming device to operate and entertain. For further explanation of the combination of the references, please see rejections above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey C. Panos whose telephone number is (571) 272-6136. The examiner can normally be reached on M-F 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jeffrey C. Panos
April 20, 2006


XUAN M. THAI
SUPERVISORY PATENT EXAMINER
TC 3700